

JUN 05 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/972,996
Applicants: MCCORKLE
Filed: October 10, 2001
TC/A.C.: 2634
Examiner: Ted M. WANG
Docket No.: 10X-213 / XSI.007
Customer No.: 23400
ENTITLED: ULTRAWIDE BANDWIDTH NOISE CANCELLATION MECHANISM
AND METHOD

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany St.
Alexandria, VA 22314

DECLARATION UNDER 37 C.F.R §1.131

Sir:

In compliance with 37 C.F.R. §1.131, the purpose of this Declaration is to establish completion of the claimed invention of the above-referenced patent application (hereinafter "the Subject Application") in the United States, prior to August 23, 2000, the earliest effective date under 35 U.S.C. §102(e), of U.S. Published Patent Application US2002/0102987 ("the '987 Application"). The '987 Application was cited by the Examiner in an Office Action dated March 3, 2006, for the Subject Application.

Application No. 09/972,996
Docket No. 10X-213 / XSI.007

I, the undersigned, do hereby depose and say:

1. That I am the named inventor for the claimed subject matter of the Subject Application, and that at the time of invention I was employed by XtremeSpectrum, Inc., ("XtremeSpectrum") the original Assignee of the Subject Application.

2 That I am currently employed by Freescale Semiconductor, Inc., the successor in interest to XtremeSpectrum in the Subject Application.

3. That prior to the effective date of the '987 Application, I had conceived of and conceptualized, in the United States, the mode selection mechanisms, multi-mode receiver, and method of operating a multi-mode receiver disclosed and claimed in the Subject Application.

4. That the attached copy of a draft patent application, which was prepared by attorneys at the law firm of Oblon, Spivak, McClelland, Maier & Neustadt at my direction (attached as Exhibit A to this Declaration), is known to us to be a true copy, and, based on information and belief, evidences such conception prior to the above-noted effective date of the '987 Application.

5. That the attached computer screen shot is an accurate copy of a relevant portion of Windows Explorer showing that the attached draft patent application (Exhibit A) was last modified on August 15, 2000, a date prior to August 23, 2000, the effective date of the '987 Application. This screen shot is known to me to be a true copy which, based on information and belief, evidences such conception prior to the above-noted effective date of the '987 Application.

Application No. 09/972,996
Docket No. 10X-213 / XSI.007

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Subject Application or any patent which issues thereon.



John W. McCorkle

Engineer, Freescale Semiconductor, Inc.

Dated: 2 JUNE 2006